

false piece of economy to strike it out. It is an institution in vogue in every part of the world. There are some young men who have come from there who are hard working men to-day. I know of two myself. I don't think it right to strike the name out.

Noble O'Rourke said that he had made the motion to strike this out when it came out. He would now move that \$50,000 be appropriated, as only about that amount was expended in the last period.

Noble Baldwin thought the question was not whether the institution was well conducted, but whether it was necessary. There was no where else for these boys to go, and it was a sound thing to keep the school. If it had not been properly kept up, it should be.

Noble Burchard supported passing the item as in the bill. Such schools were necessary for boys who needed to be got away from their parents as well as others.

Rep. E. W. Wilcox said he might withdraw his motion if the Board would put a live man there. But for four or five years the school has not amounted to anything. A teacher who was notorious for his wild oats could not have a very good influence on the boys. If I were a minister, I would kick the Board out. I think such a Cabinet as this, which sits winking and looking at us and doing nothing, ought to go down town and go to work.

Noble Pua supported the motion to strike out the item.

Minister Brown thought the money had been spent even if only two or three boys were saved.

Rep. Nawahi moved the committee adjourn.

The report of the committee was adopted.

The House adjourned at a little after 4 P.M.

Seventy-first Day.

THURSDAY, Sept. 4.

The House met at 10 A.M. Prayer by Chaplain. Minutes of the preceding day read and approved.

Rep. Brown, under suspension of the rules, presents a petition as follows:

The undersigned respectfully represents to the Honorable Legislature that in the report of the Finance Committee, presented to the House, consisting of 70 pages, 46 pages are taken up with criticism of the Interior Department and the various bureaus connected therewith, and charges of maladministration against the late Minister of the Interior and several heads of bureaus, more particularly the Superintendent of Public Works.

That said committee did not give the said Superintendent any hearing or opportunity to explain his action, nor did they, with one exception, ask him any questions concerning matters in his bureau, nor did they at any time inform him of the charges made against him, or give him an opportunity to defend himself.

That said committee did not at any time inform your petitioner of any charges against him, nor ask from him any explanation of any item or transaction in the Interior Department, nor any bureau connected therewith, nor give him any opportunity to defend himself or explain his action.

That your petitioner hereby charges that many of the statements made by said committee are totally incorrect. Your petitioner hereby claims that it is not according to Legislative precedent or practice in Hawaii or any other civilized country to condemn a man unheard or to pass judgment upon one accused without first giving opportunity for defense.

That as your petitioner has been accused and condemned by said committee without hearing and without opportunity for defense, he hereby prays that said report of the Finance Committee may be referred to an impartial committee to investigate the truth of the charges made by said Finance Committee, and before whom your petitioner may have an opportunity of being heard and defending himself and his official actions.

L. A. THURSTON.

Noble Baldwin moved the petition be laid on the table to be considered with the report of the Finance Committee.

Noble Muller moved it be referred back to the Interior Department. It was a gross piece of impudence. Two of the Cabinet members ad sneaked out of Honolulu as soon as they were kicked out of office, and gave the committee no chance to ask them anything.

Rep. Bawn asked whether Noble Muller considered it a gross piece of impudence in the introducer or the petitioner.

Noble Muller—In the petitioner.

Rep. Brown—I would say then, Mr. President, that he has a perfect right to petition the House.

Noble Wilemann quoted the "THURSDAY" of this morning as follows: "If the House can find anything in this report worth considering, we shall never be able to admire its acuteness enough. We ourselves must freely confess to an inability to discover anything of the sort." If the "THURSDAY" didn't find anything in the report, this man has, for he comes and requires an investigation. This is covering him up. What Noble Muller says is true. The gentleman went off and hid himself on Maui, and he certainly has been back long enough to find out what was in the report. He might have gone to the "THURSDAY" and ventilated his views.

Yet the "THURSDAY" has kept a dead silence. Now call this petition a piece of great impudence. We don't want to know his motives. We judge him by his acts. The report of the Finance Committee contains not political matter, it is very easy to find out. The "THURSDAY" is open to him and would gladly publish a double or triple sheet to whitewash him. I want to lay on the table.

Rep. Richardson to support the motion of Noble Baldwin. He did not mean to reflect on the conduct of the committee, but he thought the petitioner entitled to a fair investigation. He objected to the use of such expressions as "kicked out of office." They were not kicked out, as a matter of fact, and such language was improper. The late Minister of the Interior deserved better treatment than that.

Rep. Kalua said that he was in favor of Noble Baldwin's motion. If the Finance Committee had not given heads of departments an opportunity to be heard, it was not fair, and they ought to have an opportunity. In order to have fair play, we ought to consider this petition. The petition does not speak for the Cabinet, but only for himself. There are two parts here, and we don't want it to go around that one party has been unwilling to get the other a hearing. It is only common justice to grant

a hearing. I thought there was an understanding that both parties should work together for the common good.

Rep. K. W. Wilcox—I didn't agree to any such thing.

Rep. Kalua—I am not speaking as a friend of the petitioner, but in the interest of fairness and justice. Some members regard this as an opportunity to vent their spleen. My political views are very different from those of the late Minister, but he has a constitutional right to be heard, and anyone who moves to lay this petition on the table to gratify his spleen, is not doing right. The petitioner is no longer a Minister, he was not kicked out, as has been asserted, but resigned. He has a right to be heard. There are members of this House who are not willing that he should be heard. Suppose a Court of Justice should act in this way and condemn a man without being heard. It is the part of wisdom to be fair. I do not appear here as an advocate of Mr. Thurston, I have known him from boyhood up, but his views and mine are different, and for that reason I tried to get a seat in this House. I wish to have every member of the House understand that I am not defending the late Minister nor his acts, but am simply speaking in the interest of fair play.

Rep. Kapahaele said that the petitioner had a perfect right to petition this House for a hearing if he thinks he has a grievance, and he must be heard. Now the question is whether he really has a grievance. A great many charges are made against him in this report, which he says are not correct. He ought to be heard, either through a committee or by making himself a written statement to be printed and submitted to the House. It may be said that an investigation will take a great deal of time, but we ought not to grudge the time. I therefore favor the motion to consider the petition with the report.

Rep. E. W. Wilcox said if you see four or five men going along the street with hats on and you say, "There go some baldheaded men," one will immediately take hat off, and he will be sure to be the baldheaded man. I think in the last Cabinet, the Minister of the Interior was the baldheaded man.

Rep. Wilcox continuing was interrupted by Rep. Kalua, who moved to confine his remarks to the question before the House. For some time nothing could be heard but the loud voices of the two speakers and the continuous rapping of the President's hammer. When order was restored, the Interpreter explained that Rep. Wilcox was making references to the treatment of Mr. Gibson.

The President ruled this out of order. Rep. Bush protesting and saying that the Reform Party had not had the manliness to give Mr. Gibson fair play.

Rep. Wilcox, continuing, said he admired people who stick by their friends, as Rep. Kalua had by the late Minister. He hoped he would receive a decoration for it. He would favor, to put an end to the debate, Noble Baldwin's motion.

Noble Wilemann had no objection to considering the petition. What he objected to was the manner in which it was written. It charges the committee with misrepresentation. He wants, he says, an impartial committee. What he wants is a partial committee. A committee which will look at things through his spectacles, and cannot tell black from white. I am afraid that there is too much in that report for him to white wash. There is too much, you know. All that is lacking is a request that he may name the committee himself. I have no particular objection to considering the petition. (The President—Do you withdraw your motion? That is what I am coming to. Yes, I withdraw it.)

Rep. Nawahi favored considering the petition. He would like to have the Minister present, as there were a good many things he would like explained.

Rep. Kahookano admitted, of course, that the petitioner had a right to petition, but he asked something which the House could not possibly grant, viz., the appointment of another committee.

Noble Muller cited rule 32, defining the duties of the Finance Committee. It says nothing of conferring with heads of departments. He hoped that the petitioner would be heard. But he objected to the request for another and "impartial" committee. This was a reflection on the impartiality of the Finance Committee.

Noble McCarthy—As a member of the Finance Committee and on behalf of the committee said that nothing was contained in the report which could not be proved by the books of the departments. There was a book called the Detail Book, which shows every item. It is commonly said that books should be kept, so that a new man can come and go right on without needing any explanation. I am happy to say that the books of the Interior Department were kept in that way. We have simply stated bare facts. I am perfectly willing to give the Minister a hearing, but I don't see what good it will do. I went into that committee and did my duty faithfully and impartially, and there are no statements in that report which are not facts.

Noble Macfarlane favored consideration of the petition. All the facts stated in that report could be proved. He could corroborate what was said by Noble McCarthy as to the books of the Interior Department. The examination had been made impartially, with no intention to misstate anything. The committee was anxious to have all the light thrown on the matter possible. As to the motion to refer back to the petitioner to have the petition framed in a more decent and gentlemanly manner, it was useless, because he was not capable of framing it in any other manner. He considered the manner in which the petition was drawn was an insult to the President, the Committee and the House. He was perfectly willing to have the matter investigated, but not by another committee, and the proposition was unprecedented and insulting.

Rep. Brown—The introduction of such a petition as this is certainly unprecedented. He knew of no case of it before, and the reason was this: Because hitherto the report of Finance Committees has never been adopted. It has been indefinitely postponed, and laid on the table, and the ministry have kept their seats. In this case there has been no opportunity for a minister to make replies. The report of the Finance Committee is full of inferences and constructions of law made by the committee. I think the wording of the petition is a little too hard.

Noble Macfarlane—It was disrespectful. Rep. Brown—It was drawn hurriedly in about twenty minutes this morning. I do not think the late Minister of the Interior intended any disrespect to the president or the committee. The Minister of the Interior was absent about

three weeks, and at the time he left here the report, I think, was already in the hands of the committee.

Rep. Knudsen said he would not grant this petition if his own mother made it. At the same time he felt that the late Minister ought to be heard. But it was impossible to grant the request to put a committee over a committee, and as that was the only prayer he moved that the petition should be laid on the table, giving notice to the Secretary that Mr. Thurston should be heard, and postpone consideration of the report for a week.

Noble Burchard's objection to the petition was the gross injustice of the charge of partiality made against the committee. I certainly supposed he was not on this island. The Finance Committee did not touch the Interior Department until after the Minister of the Interior's report.

Rep. Bush was in favor of Rep. Knudsen's idea of postponing consideration of the report and allowing the late Minister in the meantime to present his defense to the Finance Committee. The implication of partiality on the part of the Finance Committee was an affront to the House, and the late Minister was old enough to have known what language was proper in addressing the Assembly.

Noble Baldwin called attention to the fact that the Finance Committee was composed of political opponents of the late ministry. Noble Burchard was elected independently, and has pursued a conservative course, but it is no secret that he was politically opposed to the late ministry. I think too much has been said of as to the word impartial in the petition. It simply calls attention to the fact that the committee was composed entirely of political opponents of the ministers. It should have represented both sides. That seemed to us right. I think at least one member of the Reform Party should have been on the committee, and if that had been the case I do not think this discussion would have taken place to-day. I do not intend to go into the details of this report, because I haven't studied them. But I believe from what I am told that explanations can be made. A great portion of report deals with the Interior Department. Without making any reflections on the committee, I think they would appear in a better light before the country if they would allow some sort of a hearing.

Noble Burchard wished to say a word on what Noble Baldwin has said as to my stand. Now a dozen members of this House can testify that when I was appointed I refused to vote against the ministers unless I should see cause for it. I had not been working long on the Finance Committee before I did see abundant cause.

Noble Wilemann moved that the president get down from his place, and the late Minister of the Interior take the place and lay down the law to this House.

Rep. Kalua said he had favored laying on table with the report of the Finance Committee. I do not think the composition of the Finance Committee has anything to do with the subject. I have the utmost confidence in that committee. I move the previous question. Carried.

The petition was not laid on the table, the vote being a tie, and the president voting in the negative.

Rep. Kapahaele made another motion, which was ruled out of order.

The petition was laid on the table to be considered with the report of the Finance Committee.

The President stated in reply to the remarks of Noble Baldwin, which charges him with partiality in appointing the Finance Committee, that it was not easy to appoint committees. I had a perfect right to put a majority of the National Party on the committee. I knew nothing of Noble Burchard or the member from Lahaina (Rep. White), but I took the ADVERTISER's statement that they belonged to the Reform Party. I am very sorry they have gone back on me.

The House took a recess at 12:20 until 1:30.

Afternoon Session.

The House re-assembled at 1:40. Noble McCarthy stated that he had received as chairman of the Military Committee a pamphlet entitled "The Third Warning Voice" and that he had distributed it to the House.

Minister Peterson reported for the committee on the bill relating to the number of the Justices of the Supreme Court recommending that it be indefinitely postponed. The committee reported that they have considered the report of the Judiciary Commission of 1886, and that while they do not deny that the present judiciary system has defects, yet they do not think that a task of such magnitude as its reorganization would be can be advantageously undertaken by the present Legislature, and they therefore recommend the report of the commission to the Legislature of 1892. The committee however offer a bill providing that no justice shall sit in banco on a case in which he has presided in the Court below.

The bill was read and the report was adopted.

Noble McCarthy for the select committee on the petition of R. More find that the work was ordered by the Superintendent of Public Works and confirmed by the Minister of the Interior, and that there was an appropriation which was exhausted. The Supreme Court has thrown the claim out on the above ground. The committee recommend that as the work was done in good faith the House in its equity provide for the payment of the claim.

Laid on the table with the Appropriation Bill.

Minister Spencer presented a copy of the Government lease to the Oahu R. R. Co.

Noble Muller moved it be referred to a select committee.

Rep. Brown introduced a resolution that the consideration of the Finance Committee's report be deferred ten days to enable L. A. Thurston to present a written answer to the charges of the committee, and that he be allowed for this purpose access to the books of the Interior Department.

Rep. Bush considered the petition this morning an impeachment of the conduct of the committee and the President. He was glad this resolution was brought in because the petition was one which charged the whole House with lack of honesty and good intention.

Noble Muller moved the resolution be adopted. Every member of the Finance Committee wished Mr. Thurston to have an opportunity to answer its statements but in a proper way.

Rep. Brown asked permission to withdraw the petition.

Rep. Kapahaele said this could not be done by motion but only by resolution. He would move to strike out that part of the resolution granting Mr.

Thurston access to the books. This would be establishing a very dangerous precedent.

Rep. Kahookano moved to indefinitely postpone the resolution.

Rep. Nawahi opposed the resolution. He would support the motion to indefinitely postpone it.

Rep. R. Wilcox was opposed to the resolution. It was only brought in to block consideration of the report.

Rep. Kaneali was not in favor of the resolution. The House must be careful. If we give Mr. Thurston a chance he may make such a showing that we may go back on our committee. We must protect our committee. If the hon. Noble Muller has any regard for his safety he had better withdraw his resolution, or the House would reject the committee's version and adopt Mr. Thurston's.

Minister Brown—I cannot say that I like the resolution altogether, but this is a matter between Mr. Thurston and the Finance Committee. The committee are all honorable gentlemen and I presume they will be glad to give him every opportunity to have access to the books, etc.

Rep. Brown accepted the amendment of the member from Molokai. He also wished to withdraw the petition but the House would not let him.

Noble Muller was not afraid of anything which Mr. Thurston might say, as every statement of the committee could be substantiated, but as it did not seem to be the pleasure of the House to pass this resolution he would withdraw his motion to adopt it.

Rep. Kalua moved to lay the resolution on the table.

Noble Macfarlane said as a member of the committee that it had no reason to shirk any interview with Mr. Thurston, but he considered the passage of the petition in the morning as not at all creditable. Unless the introducer of the resolution would move to have this morning's vote reconsidered he would oppose the passage of this resolution. If we propose that, Mr. Thurston and all his friends shall have every opportunity to refute that report. Some members have stated to me that they did not fully understand the vote this morning. It is no part of the duty of the Finance Committee to seek out a former Minister and catechize him as to his motives. The committee have made reference to accounts and vouchers for all their statements.

Noble J. M. Horner said the idea of the resolution as he understood it was simply to do justice. Everything had two sides even a round ball (an inside and outside). The Finance Committee has said one thing and the ex-Minister denies it. To give the Minister an opportunity to answer this resolution is introduced.

The previous question was moved and carried.

The resolution was adopted.

Rep. Brown moved to withdraw the petition.

Noble Wilemann objected: He would like to have the petition go into the record of this House. I want it published and sent over the country, so that people can see what kind of stuff this House is made of.

Rep. Kalua gave notice of an Act to defend the interest of land owners in springs, etc. 2. An Act to grant a franchise for a railroad on Hawaii. 3. An Act to relieve His Majesty of certain embassments.

Rep. Kalua introduced a resolution that the Minister of the Interior request the Board of Health to state the reasons for Dr. Lutz's resignation, and if it was accepted whom the Board propose to put in his place. The doctor himself told me a few hours ago it was in consequence of the action of the Board of Health towards him in connection with the late legislative investigation. Dr. Lutz was brought here by the Government at great expense as a specialist. I have been called an enemy of the President of the Board of Health. I am not and I do not even know him. Whom are we serving the Board of Health or the people? Whose wishes are to be carried out, the Board's or the people's? We represent the people and what we recommend, should be done. It is not done. Dr. Lutz should not be hindered in the treatment of leprosy.

Rep. Bush said it was professional jealousy which was drawing Dr. Lutz out. He hoped that the Sister would go too, so that the two could bear witness to the way in which natives were being treated by the Board. The Board was controlled by a few jealous physicians and he thought these events might rouse some sympathy for these poor people, if not in the Sandwich Islands yet in the wide universe. The poor natives would simply be left at the mercy of a few people who cared nothing for them except a few dollars and cents. (Applause from behind the rail.) It was to the credit of the last administration that they had procured this physician and now that he was doing some good, he was driven away. The Board of Health ought to be turned out but the Ministry would not do it, and he was almost ready to vote the Ministry out. The children of the missionaries were the worst in their treatment of the natives.

Rep. R. W. Wilcox said this resolution was brought on by the action of the Board of Health. They have acted in such a manner that no man of honor could serve under them. Dr. Lutz comes from Europe, where they have a sense of honor. This is all brought on by the failure of the Ministers to do their duty. They sit there day after day and do nothing. Some of the Ministers I see are already gone. The rest ought to go. If a resolution should be brought in calling for the removal of the President of the Board of Health, I should vote for it.

Reps. Kapahaele and White also spoke.

The resolution was unanimously adopted.

Rep. White gave notice of an Act to prohibit the mutilation of coins.

The House proceeded to the Order of the Day.

The special order was the answer of the Minister of the Interior to Rep. Kalua regarding the Kalihii matter.

The answer was read.

Rep. Brown moved consideration be deferred until an answer was received to the resolution just brought in by Rep. Kalua.

Committee on Oahu Railroad Landing: Nobles Muller, Macfarlane, Wilemann, Baldwin and Marsden.

The House adjourned at 3:50 P. M.

(Continued on seventh page.)

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